

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: Tara Nanavati, D.V.M.

Petition No. 950130-47-001

CONSENT ORDER

WHEREAS, Tara Nanavati of Seymour, Connecticut (hereinafter "respondent") has been issued license number 001222 to practice veterinary medicine by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 384 of the Connecticut General Statutes, as amended; and,

WHEREAS, the Department alleges that:

1. On or about December 31, 1993, respondent performed a surgical procedure on a feline named C.J. Olson ("C.J.") owned by Michele Olson of Fairfield, Connecticut.
2. Respondent performed the surgical procedure described in paragraph 1 above negligently in that he failed to remove a surgical sponge from the abdominal cavity of C.J.
3. Respondent's negligence caused an abscess in C.J.'s abdomen necessitating surgery.
4. The above described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes Section 20-202(2).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or

wrongdoing, agrees that for purposes of this or any future proceedings before the Connecticut Board of Veterinary Medicine (hereinafter "the Board") this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §19a-9, §19a-14, and §20-196b of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-202 of the Connecticut General Statutes, as amended, respondent hereby stipulates and agrees to the following:

1. That he waives his right to a hearing on the merits of this matter.
2. That he shall pay a civil penalty of \$1500.00 by certified or cashier's check payable to "Treasurer, State of Connecticut." Said civil penalty shall be payable at the time respondent submits the executed Consent Order to the Department.
3. That his license to practice veterinary medicine shall be suspended for a period of three (3) months and that said suspension shall be immediately stayed.
4. That respondent's license shall be concurrently placed on probation for a period of six (6) months under the following terms and conditions:
 - (a) Respondent shall obtain at his own expense, the services of a veterinary doctor, licensed and practicing in the State of Connecticut and pre-approved by the Department (hereinafter "the supervisor").
 - (b) Respondent shall provide the supervisor with a copy of this Consent Order and be responsible for ensuring that the supervisor furnishes written documentation to the Department within fifteen (15) days of the effective date of this Consent Order, confirming the following:
 - (1) his receipt of this Consent Order;
 - (2) his engagement in the capacity of supervisor; and,
 - (3) his willingness to undertake the responsibilities enumerated herein.

- (c) The supervisor shall immediately report to the Department any conduct or condition he observes on respondent's part which does or may violate any federal or state statute or regulation applicable to his profession, including, but not limited to incompetence, cruelty, unskillfulness or negligence in the practice of veterinary medicine.
- (d) The supervisor shall observe the first ten (10) surgical procedures performed by respondent following the effective date of this Consent Order. No later than fifteen (15) days following the supervisor's observation of the last of the first ten (10) surgical procedures performed by respondent, the supervisor shall submit a written report to the Department. The report shall include the following:
 - (1) a summary of the nature of each surgical procedure performed;
 - (2) confirmation that the supervisor personally observed each such procedure; and,
 - (3) confirm that respondent performed each such procedure with reasonable competence, skill and safety.
- (e) Should time restraints prohibit respondent from securing the presence of the supervisor at an emergency procedure, respondent may perform the procedure without the supervisor's presence contingent upon the following:
 - (1) within three (3) business days of such emergency procedure, respondent shall provide written documentation to the Department describing the emergent nature of the procedure performed without supervision and describing the efforts respondent undertook in attempting to secure the supervisor's presence;
 - (2) the Department shall review the written documentation and make a determination as to whether respondent's decision to proceed without the presence of the supervisor was justified;

(3) should the Department determine that respondent's decision was not justified, the Department shall provide the respondent with written notice that he is in violation of this Consent Order.

(f) Notwithstanding the foregoing, respondent shall be responsible to ensure that all of the supervisor's responsibilities hereunder are completed within six (6) months of the effective date of this Consent Order.

5. That all correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant
Division of Medical Quality Assurance
Department of Public Health
410 Capitol Avenue MS#12INV
P.O. Box 340308
Hartford, CT 06134-0308

6. That he shall comply with all state and federal statutes and regulations applicable to his licensure.

7. That he understands that this Consent Order is a matter of public record.

8. That any alleged violation of any provision of this Consent Order, may result in the following procedures at the discretion of the Department:

- (a) The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
- (b) Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
- (c) Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8(a) above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.

- (d) If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
- (e) Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.

9. That, in the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing veterinary medicine, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall constitute an admission that his conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c).
10. That, in the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.

11. That legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Medical Quality Assurance of the Department.
12. That this Consent Order is effective on the first day of the month immediately following the date said order is accepted and ordered by the Board.
13. That the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which (1) his compliance with this Consent Order is at issue, or (2) his compliance with §20-202 of the General Statutes of Connecticut, as amended, is at issue.
14. That any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
15. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
16. That this Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the the Department at any time prior to its being executed by the last signatory.
17. That respondent permits a representative of the Legal Office of the Office of Special Services of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.

18. That respondent understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.
19. That respondent has the right to consult with an attorney prior to signing this document.

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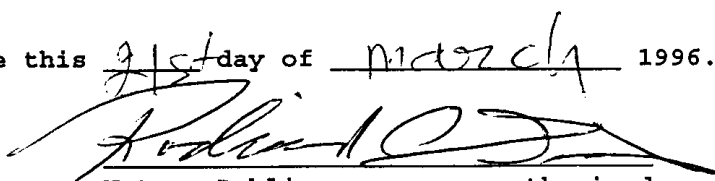
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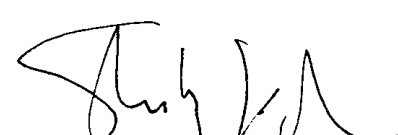
I, Tara Nanavati, D.V.M., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Tara Nanavati, D.V.M.


Subscribed and sworn to before me this 21st day of March 1996.


Notary Public or person authorized
by law to administer an oath or
affirmation, EXPIRES 12/31/96
COMMISSION

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 3rd day of April 1996, it is hereby accepted.


Stanley K. Peck, Director
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the CT Board of Veterinary Medicine on the 17th day of April 1996, it is hereby ordered and accepted.


Connecticut Board of Veterinary Medicine



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

November 8, 1996

Dr. Tara Nanavati
Ansonia Animal Hospital
876 South Main Street
Seymour, Connecticut 06483

Re: Consent Order
Petition No. 950130-47-001
License No. 001222
D.O.B. [REDACTED]
S.S.N. [REDACTED]

Dear Dr. Nanavati:

Please accept this letter as notice that you have completed the terms of your license probation, effective November 1, 1996.

Notice shall be sent to the Department's License and Registration section to remove any restrictions from your license related to this Consent Order.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton

Bonnie Pinkerton
Nurse Consultant
Legal Office

cc: Debra Tomassone



Phone: (860) 509-7651

Telephone Device for the Deaf (860) 509-7191

410 Capitol Avenue - MS # 12 LEC

P.O. Box 340308 Hartford, CT 06134

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